

DECISION MEMORANDUM
Pinal County Public Works
Right-of-Way Amendment of Kelvin Bridge AZA-035391
DOI-BLM-AZ-G020-2016-0002-EA

U.S. Department of the Interior
Bureau of Land Management
Tucson Field Office

Project Description

The proposed project includes the replacement of the original Kelvin Bridge, realignment, and upgrading of the Florence-Kelvin Highway roadway. The purpose of this bridge replacement project is in regard to safety since the existing bridge has an underrated capacity and is only a single-lane bridge. The design for this project was first developed in 2003 and included spanning the Gila River to minimize impacts to a Water of the U.S. Five acres of permanent disturbance (road and bridge span area) plus two additional acres of temporary disturbance (temporary workspace); construction was expected to take at least one year and begin in mid-October; vegetation removal would only occur between mid-October and the end of March. As the process for BE approval neared completion and before re-initiation of consultation with the USFWS could start, it became clear that one of the 2012 BLM ROW Grant mitigation provisions would pose a challenge to project timing. This provision indicated no construction was to be allowed during the migratory bird breeding season between April 1 and September 30. In the summer of 2014, to shorten project construction length and minimize temporal impacts, the County requested that this mitigation provision be modified, which required authorization from BLM through changes in the ROW. Furthermore, the bridge design has been updated since the 2012 Environmental Assessment (EA) with the following modifications:

- Modifying the bridge pier locations to avoid all impacts to waters of the U.S. (the Gila River)
- Reducing the height of the proposed bridge by 2 feet across the span of the bridge
- Changing the bridge support pier system design from three dual-column piers system to seven single-column piers system

This amendment is located in the same area as the original grant on the following public lands:
Gila and Salt River Meridian, Arizona
T. 4 S., R. 13 E.;
sec. 12, Lot 2, S½NW¼ excluding Mineral Survey 3136.

A biological evaluation and cultural survey were completed by SWCA Environmental Consultants in April of 2016. Historic and cultural properties were identified in the project area. A Memorandum of Agreement (MOA) with SHPO has been approved, recovery of the site has been completed. Stipulations regarding cultural resources and construction of the bridge are included with the grant.

There are no active mining claims. The area is within the Rafter Six grazing allotment and there would be no conflict with the authorized livestock grazing use. The lessee and other ROW holders in the area were consulted and conflicts were resolved.

The grant and the short term grant for temporary construction sites will be amended as

authorized under the Title V of FLMPA.

Approval and Decision

Based on a review of the EA and having made a Finding of No Significant Impact (FONSI) for the amendment to the Kelvin Bridge project described in the attached EA, and field office staff recommendations, I have determined that the project is in conformance with The Phoenix Resource Management Plan (Phoenix RMP) approved in Record of Decision dated December 1988. Based on my review of all information available to me, it is my decision to approve the action as proposed with all design features and the stipulations described in the EA and amended ROW grant.

Administrative Review or Appeal Opportunities

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1, which can be found at the Tucson Field Office. If an appeal is taken, your notice of appeal must be filed via fax, mail, or hand delivered at Tucson Field Office, 3201 E Universal Way, Tucson AZ 85756 within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the Office of the Solicitor (Department of the Interior, Office of the Field Solicitor, Sandra Day O'Connor U.S. Court House #404, 401 West Washington Street SPC44, Phoenix, AZ 85003-2151) (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

Standards for Obtaining a Stay

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

/s/ Melissa Warren
Melissa Warren, Tucson Field Manager

8/26/2016
Date

Attachments:

Stipulations

Map